

BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN
ORDINANCE NO. 79-2
Amended: November 11, 2008
Published: November 26, 2008
Effective Date: December 25, 2008

An Ordinance of the Township of Birch Run, Saginaw County, Michigan, establishing a municipal service for collection, recycling, and disposal of all garbage, rubbish and ashes; accumulated in the Township of Birch Run prescribing regulations for the storage and collection of garbage, rubbish and ashes; providing for the maintenance of sanitary conditions on public and private premises in the Township; providing for the imposition and collection by the Township of fees for the collection and disposal of garbage, rubbish and ashes; all for the protection of the health, safety and general welfare of the residents of the Township of Birch Run.

THE TOWNSHIP OF BIRCH RUN ORDAINS:

Section 1: Short Title

This Ordinance shall be known and may be cited as BIRCH RUN TOWNSHIP RUBBISH PICKUP ORDINANCE.

Section 2: Definitions

For the purposed of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Ashes" is the residue from the burning of wood, coal, coke, or other combustible materials.
2. "Township" is the Township of Birch Run.
3. "Supervisor" is the Township Supervisor of the Township of Birch Run.
4. "Dwelling Unit" is a building, or a portion thereof, designed for occupance by one (1) family for residential purposes having cooking facilities.
5. "Family" is one (1) or two (2) persons or parents with their direct lineal descendants and adopted children (and including the domestic employee thereof); together with not more than two (2) persons not related, living together in the whole or part of a swelling unit comprising a single housekeeping unit.
6. "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
7. "Person" is any person, firm, partnership, association, corporation, company, of any kind.

8. "Refuse" is a putrescible and nonputrescible solid wastes except body wastes, animal droppings or entrails, including garbage, rubbish, ashes, street cleanings, and solid market wastes.
9. "Residence" any building or a portion thereof which is occupied for living purposes, but does not include a building used as a motel, hotel or mobile home in a State licensed park.
10. "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, household appliances and similar materials.

Section 3: COLLECTION BY TOWNSHIP

All refuse accumulated in the Township shall be collected, conveyed and disposed of by the Township or Contract Hauler under contract to the Township, except as hereinafter set forth.

All dwelling units, multi-family residences, and residences shall be required to use the services of the Township or Contract Hauler provided by the Township for disposal of refuse and shall engage such service within thirty (30) days after mailing of a notice of such availability to such premises by appropriate Township personnel.

The Township of Birch Run shall not pick up, haul or dispose of the refuse accumulated by any commercial or industrial establishment or State Licensed Trailer Coach Park within the Township of Birch Run except that it is hereby provided that all such commercial or industrial establishments shall make adequate and proper provision for the disposal of refuse accumulated on the premises of such commercial or industrial establishment so as to prevent such accumulation from becoming unsafe, unsanitary, unsightly or a nuisance.

Section 4: COLLECTION SUPERVISED BY THE TOWNSHIP BOARD

All refuse and recyclables accumulated in the Township shall be collected, conveyed and disposed of by the Contract Hauler under the supervision of the Township Board. The Township Board shall have the authority to make regulations covering the days of collection, routes of the collection vehicles, type and location of waste containers, and such other matters pertaining to the collection, conveyance, and disposal as it shall find necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions hereof.

Section 5: PRE-COLLECTION PRACTICES

1. Preparation of refuse.
 - a. Garbage: all garbage, before being placed in garbage cans for collections, shall have drained from it all free liquids.

- b. Rubbish: All rubbish shall be drained of liquid before being deposited for collection.
- c. Trimmings and Clippings: Tree trimmings, hedge clippings, and similar material shall be cut to length not to exceed four (4) feet and securely tied in bundles not more than two (2) feet thick before being deposited for collection.

2. Storing of Refuse

- a. Public or Private Places: No person shall place any refuse in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the Township except it be in proper containers for collection, or under express approval granted by the Township Board. Nor shall any person throw or deposit any refuse in any stream or other body of water.
- b. Burning and Burying: No person shall throw any refuse upon the ground or burn the same on any premises, public or private, or burn the same in any manner that may menace the public health, cause a nuisance or smoke ash or offensive odors, or burn the same in any manner that may constitute a hazard.
- c. Unauthorized Accumulation: Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation or refuse within thirty (30) days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.
- d. Scattering of Refuse: No person shall cast, place, sweep, or deposit anywhere within the Township any refuse in such manner that it may be carried or deposited by elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the Township.
- e. Cleanliness: It shall be the duty of each owner, tenant, lessee or occupant of any building, residential or commercial, having refuse, to provide for and have within said building storage containers of sufficient size to handle the accumulation of refuse on the premises during the interval between collection periods.

3. Recyclables: Materials shall be placed in containers supplied by the Township or a bin clearly marked "Recycling."

4. Points of Collection

Refuse containers in residential areas shall be placed for collection at the curbside in front of the property no earlier than *4:00 pm the day prior to collection.*

Section 6: COLLECTION PRACTICES

1. Frequency of Collection

Refuse and recyclables accumulated by residences, dwelling units, or multi-family residences shall be collected once each week throughout the entire year. The collection schedule shall be arranged so that the collection shall fall upon the same day of the week, except for interruptions due to holidays. Should a collection day fall upon a holiday, then the Township Board shall set another day for the collection of said refuse and give reasonable notice of said collection day.

2. Limitation on Quality

A reasonable accumulation of refuse for each residence or dwelling unit shall be collected during a collection period for the standard charge.

Section 7: ON-SITE BURNING

- a. No person shall burn or permit to be burned on the premises within his control, any rubbish unless the same shall be burned in a completely enclosed incinerator properly designed to prevent the emission of smoke, flying paper, and ash therefrom.
- b. A permit must be obtained from the Fire Department for any open burning. The permit will be issued at the discretion of the Fire Department.

Section 8: SCAVENGING OF REFUSE MATERIALS

Scavenging and junk picking of refuse materials placed for collection at the curb is hereby expressly prohibited.

Section 9: SERVICE CHARGES

1. Amount of Service Charge

The service charges for collection and disposal of refuse placed for collection at curbside for residences, dwelling units and multiple family residences shall be set for each calendar year by resolution of the Township Board for the Township of Birch Run and cover all or any part of the cost to the Township for operation of the system and a portion thereof as may be deemed sufficient to be set aside as a sinking fund for the development of the system, and shall control for the ensuing calendar year.

2. Persons to be Charged

The service charge shall be made to the owners of all residences, multiple family residences, and dwelling units in the Township of Birch Run and each owner thereof shall pay to the Township of Birch

Run the service charge for availability of such service as established by the Township Board.

3. Billing procedure

The charge for refuse service for the entire year shall be spread upon the tax roll for the calendar year as a charge for availability of such services for the year, and such charge for refuse service shall be collected, returned and enforced in the same manner at the Township of Birch Run taxes are certified, assessed, collected, and returned.

Section 10: DISPOSAL OF REFUSE

The Township of Birch Run shall contract with a licensed contractor who has complied with all the statutes of the State of Michigan and the municipal ordinance of the Township and its rules and regulations relative to the collection, transportation, and disposal of refuse. Said Contract Hauler may be selected at the discretion of the Township Board after providing adequate and sufficient public liability and property damage insurance, as well as performance bond, all of said policies of insurance to be in an amount determined by the Township Board. The Township Board shall accept bids from qualified Contract Haulers and upon acceptance of a bid from suitable Contract Hauler shall enter into a contract for service with such bidder as in the discretion of the Township Board shall adequately serve the needs and requirements of the residents of the Township.

Section 11: ATTACHMENTS

From time to time the licensed contractor shall publish rules and regulations concerning waste disposal and recycling pickup. These publications shall become attachments to this ordinance and enforceable under this ordinance. See attachments A and B.

Section 11: SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 12: CONFLICTING REGULATIONS

In the interpretation, application and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, provided, also, that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by the Ordinance then the provisions of such other law or Ordinance shall govern.

Section 13: NECESSITY

The provisions of this Ordinance are declared to be necessary for the public health, safety, morals, and general welfare.

Section 14: PENALTIES

Every person, whether as principal, agent, servant, employee or otherwise, including the owners of any building, structure or premises or part thereof where any violation of this Ordinance shall exist or shall be created, or who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be guilty of maintaining a nuisance per se and upon conviction thereof, shall be punished by a fine of not more than Three Hundred dollars (\$300.00) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court. For each and every day the violation continues beyond a permissible grace period, a separate offense shall be declared. Additionally, the proper Court shall have the power and authority to issue an Injunctive Order in connection with any violation of the provisions of this Ordinance. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 15: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after the date of publication.

This Ordinance is hereby declared to have been amended by the Township of Birch Run, County of Saginaw, State of Michigan, at a regular meeting held on the 11^h day of November, 2008 and ordered to be given publication in the manner prescribed by law.

STATE OF MICHIGAN) COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 11th day of November, 2008, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 12th day of November 2008.

Amy Cook, Birch Run Township Clerk

